

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RUWAYN RUBINSTEIN and SARA
RUBINSTEIN, individually and on behalf of their
minor children,

Case No. 15-13969

Honorable John Corbett O'Meara

Plaintiffs,

v.

TEMPLE ISRAEL,

Defendant.

ORDER OF PARTIAL REMAND

Plaintiffs Ruvayn and Sara Rubinstein filed a two-count complaint in Oakland County Circuit Court, and defendant Temple Israel removed the matter to this court. Count I alleges violations of Michigan statutes regarding non-medical vaccine waivers for their school-age children, and Count II alleges violations of their constitutional rights under both the state and federal constitutions.

Although a small portion of Count II is cognizable in this court as a federal question, the remainder of the allegations in the complaint are based solely on state law; and those state claims clearly predominate. The parties to this action are not diverse. Therefore, this court declines to exercise supplemental jurisdiction over Plaintiffs' state law claims to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 382 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

ORDER

It is hereby **ORDERED** that Count I and all portions of Count II that do not allege a federal cause of action are **REMANDED** to the to the Circuit Court for the County of Oakland.

s/John Corbett O'Meara
United States District Judge

Date: January 7, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, January 7, 2016, using the ECF system.

s/William Barkholz
Case Manager